

NOTICE PUBLICATION/REGULATORY SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

NONSUBSTANTIAL

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
Z-		2019-1118-05N	

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JAN 03 2020

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2019 NOV 18 P 3:44
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Air Resources Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Nonsubstantial Changes to California SNAP Regulation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2019-0715-02N
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 95376
TITLE(S) 17	AMEND 95371, 95372, 95373, 95374, 95375, 95376 (renumbered to 95377), and 95377 (renumbered to 95378)
	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

per agency request
SE, 11/13/2019

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Bradley Bechtold	TELEPHONE NUMBER (916) 322-6533	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) bradley.bechtold@arb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 11/13/2019
TYPED NAME AND TITLE OF SIGNATORY Richard W. Corey, Executive Officer	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
JAN 03 2020
Office of Administrative Law

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Final Regulation Order

California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4

[Note: The amendments to existing regulatory language are shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions.]

Subarticle 5. Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses

§ 95371. Purpose.

~~(a) The purpose of this subarticle is to reduce hydrofluorocarbon emissions by adopting specific United States Significant New Alternatives Policy Program (SNAP) prohibitions for certain substances in refrigeration and foam end-uses. This subarticle is designed to support California's progress toward the 2030 greenhouse gas and reduction targets identified in Health and Safety Code sections 38500 et seq., hydrofluorocarbon emissions reduction targets as well as the Short Lived Climate Pollutant Strategy, identified in Health and Safety Code section 39730.5, as well as and in the Short Lived Climate Pollutant Strategy developed pursuant to Health and Safety Code sections 39730 and 39730.5.~~

NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.

§ 95372. Applicability.

This subarticle applies to any person who sells, installs, uses, or enters into commerce, in the State of California, any substance in end-uses listed in Table 1, section 95374(a), of this subarticle.

NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.

§ 95373. Definitions.

(a) For the purposes of this subarticle, excepting sections 95374(b) and 95376, the following definitions shall apply:

“Blowing Agent” or *“Foam Blowing Agent”* or *“Foam Expansion Agent”* or *“Foaming Agent”* is a substance which is capable of producing a cellular structure via a foaming process in a variety of materials that undergo hardening or phase transition, such as polymers and plastics. Blowing agents are typically applied when the blown material is in a liquid stage.

“Capital Cost” means an expense incurred in the production of goods or in rendering services, including but not limited to the cost of engineering, purchase, and installation of components or systems, and instrumentation, and contractor and construction fees.

“Class I Substance” means any ozone-depleting compound defined in the Clean Air Act, as amended, 42 U.S.C. § 7671(3) (effective November 15, 1990).

“Class II Substance” means any ozone-depleting compound defined in the Clean Air Act, as amended, 42 U.S.C. § 7671(4) (effective November 15, 1990).

“Component” means a part of a refrigeration system, including but not limited to condensing units, compressors, condensers, evaporators, and receivers; and all of its connections and subassemblies, without which the refrigeration system will not properly function or will be subject to failures.

“Cumulative Replacement” means the addition of or change in multiple components within a three-year period.

“End-use” means processes or classes of specific applications within industry sectors, such as those listed in Table 1, section 95374 of this subarticle.

“Executive Officer” means the Executive Officer of the California Air Resources Board or his or her delegate.

“Flexible Polyurethane” means polyurethane foam including but not limited to that used in furniture, bedding, chair cushions, and shoe soles.

“Foam System” means a multipart liquid material that expands when mixed to form a solid or flexible substance in which thin films of material separate pockets of gas.

“Greenhouse Gas” or *“GHG”* means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), nitrogen trifluoride (NF₃), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated gases.

“*Hydrofluorocarbon*” or “*HFC*” means a class of GHGs which are saturated organic compounds containing hydrogen, fluorine, and carbon; primarily used as refrigerants, foam blowing agents, aerosol propellants, solvents, and fire suppressants.

“*Integral Skin Polyurethane*” means polyurethane foam, including but not limited to that used in car steering wheels, dashboards, and shoe soles.

“*Motor-bearing*” means refrigeration equipment containing motorized parts. This includes compressors, condensers, and evaporators.

“*New Refrigeration Equipment*” means:

(1) Any refrigeration equipment that is first installed using new or used components; or

(2) Any refrigeration equipment that is modified such that it is:

(i) Expanded after the date at which this subarticle becomes effective, to handle an expanded cooling load by the addition of components in which the capacity of the system is increased, including refrigerant lines, evaporators, compressors, condensers, and other components; or

(ii) Replaced or cumulatively replaced after the date at which this subarticle becomes effective, such that the capital cost of replacing or cumulatively replacing components exceeds 50 percent of the capital cost of replacing the entire refrigeration system.

“*Person*” means any individual, firm, association, organization, manufacturer, distributor, partnership, business trust, corporation, limited liability company, company, state, or local governmental agency or public district.

“*Phenolic Insulation Board and Bunstock*” means phenolic insulation including but not limited to that used for roofing and walls. Bunstock or bun stock is a large solid box-like structure formed during the production of polystyrene insulation.

“*Polystyrene Extruded Sheet*” means polystyrene foam including that used for packaging and buoyancy or floatation. It is also made into food-service items, including hinged polystyrene containers (for “take-out” from restaurants); food trays (meat and poultry) plates, bowls, and retail egg containers.

“*Refrigerant*” or “*Refrigerant Gas*” means any substance, including blends and mixtures, which is a compound or gas used in vapor compression cycle refrigeration that is used for heat transfer purposes and provides a cooling effect.

“*Refrigerated Food Processing and Dispensing Equipment*” means equipment that dispenses and/or processes a variety of food and beverage products by either

combining ingredients, mixing or preparing them at the proper temperature, or by function as a holding tank to deliver the product at the desired temperature or to deliver chilled ingredients for the processing, mixing and preparation. Some may use a refrigerant in a heat pump, or utilize waste heat from the cooling system to provide hot beverages. Some may also provide heating functions to melt or dislodge ice or for sanitation purposes. This equipment can be self-contained or connected by piping to a dedicated condensing unit located elsewhere. Equipment within this end-use category include but are not limited to: chilled and frozen beverages (carbonated and non-carbonated, alcoholic and nonalcoholic); frozen custards, gelato, ice cream, Italian ice, sorbets and yogurts; milkshakes, “slushies” and smoothies, and whipped cream.

“Refrigeration” means the use of a refrigerant gas to mechanically move heat from one region to another to create a cooled region via a vapor compression cycle.

“Refrigeration Equipment” means any stationary device that is designed to contain and use refrigerant gas, including any device listed in Section 95374, Table 1. For a device with multiple circuits, each independent circuit is considered a separate article of equipment.

“Remote Condensing Units” means refrigeration equipment or units that have a central condensing portion and may consist of one (and sometimes two) compressor(s), one condenser, and one receiver assembled into a single unit, which is normally located external to the sales area. The condensing portion (and often other parts of the system) is located outside the space or area cooled by the evaporator. Remote condensing units are commonly installed in convenience stores, specialty shops (e.g., bakeries, butcher shops), supermarkets, restaurants, and other locations where food is stored, served, or sold.

“Retail Food Refrigeration” or *“Commercial Refrigeration”* means equipment designed to store and display chilled or frozen goods for commercial sale. This end-use includes the following categories of equipment: stand-alone units (equipment), refrigerated food processing and dispensing units (equipment), remote condensing units, and supermarket systems.

“Retrofit” means the replacement of the refrigerant used in refrigeration equipment with a different refrigerant, and any related changes to the refrigeration equipment required to maintain its operation and reliability following refrigerant replacement.

“Rigid Polyurethane and Polyisocyanurate Laminated Boardstock” means laminated board insulation made with polyurethane or polyisocyanurate foam, including that used for roofing and walls. This does not include the following end-use categories: rigid polyurethane appliance foam, rigid polyurethane commercial refrigeration and sandwich

panels, rigid polyurethane marine flotation foam, rigid polyurethane spray foam, and rigid polyurethane one-component foam sealants.

“Stand-alone Units or Equipment” means refrigerators, freezers, and reach-in coolers (either open or with doors) where all refrigeration components are integrated and, for the smallest types, the refrigeration circuit is entirely brazed or welded. These systems are fully charged with refrigerant at the factory and typically require only an electricity supply to begin operation.

“Stationary” means the system is (i) installed in a building, structure, or facility; (ii) attached to a foundation, or if not attached, will reside at the same location for more than twelve consecutive months; or (iii) located intermittently at the same facility for at least two consecutive years and operates at that facility a total of at least 90 days each year.

“Substance” means any chemical, product substitute, or alternative manufacturing process, whether new or retrofit, intended for use in the end-uses listed in Table 1, section 95374 of this subarticle.

“Supermarket Systems” means multiplex or centralized systems designed to cool or refrigerate, which operate with racks of compressors installed in a machinery room. Two main design classifications are used: direct and indirect systems.

(1) *“Direct Systems”* means the refrigerant circulates from the machinery room to the sales area, where it evaporates in display-case heat exchangers, and then returns in vapor phase to the suction headers of the compressor racks. Another direct supermarket design, often referred to as a distributed refrigeration system, uses an array of separate compressor racks located near the display cases rather than having a central compressor rack system.

(2) *“Indirect Systems”* means the system uses a central refrigeration system to cool a secondary fluid that is then circulated throughout the store to the cases. This includes secondary loop systems and cascade refrigeration.

“Use” means any utilization of a compound or any substance, including but not limited to utilization in a manufacturing process or product in California, consumption by the end-user in the State of California, or in intermediate applications in the State of California, such as formulation or packaging for other subsequent applications.

“Vending Machines” means self-contained units that dispense goods that must be kept cold or frozen.

NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.

§ 95374. List of Prohibited Substances.

(a) The following table lists prohibited substances as of their relevant dates:

Table 1: End-Use and Prohibited Substances.

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Refrigeration			
Retail food refrigeration equipment	Supermarket systems (new)	HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	Prohibited as of January 1, 2019
Retail food refrigeration equipment	Supermarket systems (retrofit)	R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	Prohibited as of January 1, 2019
Retail food refrigeration equipment	Remote condensing units (new)	HFC-227ea, R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	Prohibited as of January 1, 2019
Retail food refrigeration equipment	Remote condensing units (retrofit)	R-404A, R-407B, R-421B, R-422A, R-422C, R-422D, R-428A, R-434A, R-507A	Prohibited as of January 1, 2019

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Retail food refrigeration equipment	Stand-alone medium-temperature units with a compressor capacity below 2,200 Btu/hr and not containing a flooded evaporator (new)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	Prohibited as of January 1, 2019
Retail food refrigeration equipment	Stand-alone medium-temperature units with a compressor capacity below 2,200 Btu/hr and containing a flooded evaporator (new)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	Prohibited as of January 1, 2020

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Retail food refrigeration equipment	Stand-alone medium-temperature units with a compressor capacity equal to or greater than 2,200 Btu/hr (new)	FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, THR-03	Prohibited as of January 1, 2020
Retail food refrigeration equipment	Stand-alone low-temperature units (new)	HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 formulation)	Prohibited as of January 1, 2020
Retail food refrigeration equipment	Stand-alone units (retrofit)	R-404A, R-507A	Prohibited as of January 1, 2019

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
Retail food refrigeration equipment	Refrigerated food processing and dispensing equipment (new)	HFC-227ea, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 formulation)	Prohibited as of January 1, 2021
Vending machines	Vending machines (new)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), SP34E	Prohibited as of January 1, 2019
Vending machines	Vending machines (retrofit)	R-404A, R-507A	Prohibited as of January 1, 2019
Foams			
Foams	Rigid polyurethane and polyisocyanurate laminated boardstock	HFC-134a, HFC-245fa, HFC-365mfc and blends thereof	Prohibited as of January 1, 2019
	Flexible polyurethane	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	
	Integral skin polyurethane	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof Formacel TI, and Formacel Z-6	

General End-Use	Specific End-Use	Prohibited Substances	Effective Date
	Polystyrene extruded sheet	HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, and Formacel Z-6	
	Phenolic insulation board and bunstock	HFC-143a, HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof	

(b) The following table lists prohibited substances as of their relevant dates:

Table 2: End-Use and Prohibited Substances.

<u>General End-Use</u>	<u>Specific End-Use</u>	<u>Prohibited Substances</u>	<u>Effective Date</u>
<u>Cold storage warehouses (new)</u>	<u>Cold storage warehouses (new)</u>	<u>HFC-227ea, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407A, R-407B, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-423A, R-424A, R-428A, R-434A, R-438A, R-507A, and RS-44 (2003 composition)</u>	<u>Prohibited as of January 1, 2023</u>

<p><u>Household refrigerators and freezers (new)</u></p>	<p><u>Compact residential consumer refrigeration products</u></p>	<p><u>FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03</u></p>	<p><u>Prohibited as of January 1, 2021</u></p>
<p><u>Household refrigerators and freezers (new)</u></p>	<p><u>Residential consumer refrigeration products</u></p>	<p><u>FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03</u></p>	<p><u>Prohibited as of January 1, 2022</u></p>

<p><u>Household refrigerators and freezers (new)</u></p>	<p><u>Built-in residential consumer refrigeration products</u></p>	<p><u>FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-407F, R-410A, R-410B, R-417A, R-421A, R-421B, R-422A, R-422B, R-422C, R-422D, R-424A, R-426A, R-428A, R-434A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), RS-44 (2003 formulation), SP34E, and THR-03</u></p>	<p><u>Prohibited as of January 1, 2023</u></p>
<p><u>Chillers</u></p>			
<p><u>Chillers</u></p>	<p><u>Centrifugal chillers (new)</u></p>	<p><u>FOR12A, FOR12B, HFC-134a, HFC-227ea, HFC-236fa, HFC-245fa, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-423A, R-424A, R-434A, R-438A, R-507A, RS-44 (2003 composition), and THR-03</u></p>	<p><u>Prohibited as of January 1, 2024</u></p>

<u>Chillers</u>	<u>Positive displacement chillers (new)</u>	<u>FOR12A, FOR12B, HFC-134a, HFC-227ea, KDD6, R-125/134a/600a (28.1/70/1.9), R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-424A, R-434A, R-437A, R-438A, R-507A, RS-44 (2003 composition), SP34E, and THR-03</u>	<u>Prohibited as of January 1, 2024</u>
<u>Foams</u>			
<u>Foams</u>	<u>Rigid polyurethane: slabstock and other</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc and blends thereof; Formacel TI, and Formacel Z-6</u>	<u>Prohibited as of January 1, 2019</u>
<u>Foams</u>	<u>Rigid polyurethane: appliance foam</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc and blends thereof; Formacel TI, and Formacel Z-6</u>	<u>Prohibited as of January 1, 2020</u>
<u>Foams</u>	<u>Rigid polyurethane: commercial refrigeration and sandwich panels</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, and Formacel Z-6</u>	<u>Prohibited as of January 1, 2020</u>
<u>Foams</u>	<u>Polyolefin</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, and Formacel Z-6</u>	<u>Prohibited as of January 1, 2020</u>
<u>Foams</u>	<u>Rigid polyurethane: marine floatation foam</u>	<u>HFC-134a, HFC-245fa, HFC-365mfc and blends thereof; Formacel TI, and Formacel Z-6</u>	<u>Prohibited as of January 1, 2020</u>

<p><u>Foams</u></p>	<p><u>Rigid polyurethane (PU): spray foam - high-pressure two-component</u></p>	<p><u>HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least four percent HFC-245fa, and commercial blends of HFC-365mfc with 7 to 13 percent HFC-227ea and the remainder HFC-365mfc; and Formacel TI</u></p>	<p><u>Prohibited as of January 1, 2020</u></p>
<p><u>Foams</u></p>	<p><u>Rigid polyurethane (PU): spray foam - one component foam sealants</u></p>	<p><u>HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least four percent HFC-245fa, and commercial blends of HFC-365mfc with 7 to 13 percent HFC-227ea and the remainder HFC-365mfc; and Formacel TI</u></p>	<p><u>Prohibited as of January 1, 2020</u></p>
<p><u>Foams</u></p>	<p><u>Polystyrene: extruded boardstock and billet (XPS)</u></p>	<p><u>HFC-134a, HFC-245fa, HFC-365mfc, and blends thereof; Formacel TI, Formacel B, and Formacel Z-6</u></p>	<p><u>Prohibited as of January 1, 2021</u></p>
<p><u>Foams</u></p>	<p><u>Rigid polyurethane (PU): spray foam - low-pressure two-component</u></p>	<p><u>HFC-134a, HFC-245fa, and blends thereof; blends of HFC-365mfc with at least four percent HFC-245fa, and commercial blends of HFC-365mfc with 7 to 13 percent HFC-227ea and the remainder HFC-365mfc; and Formacel TI</u></p>	<p><u>Prohibited as of January 1, 2021</u></p>
<p><u>Aerosols - Propellants</u></p>			

<u>Aersosols - Propellants</u>	<u>Aersosols - propellants</u>	<u>HFC-125, HFC-134a, HFC-227ea and blends of HFC-227ea and HFC-134a</u>	<u>Prohibited as of January 1, 2019</u>
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NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.

§ 95375. Requirements Applicable to Table 1 of Section 95374(a).

(a) *Prohibitions.* No person may sell, install, use, or enter into commerce, in the State of California, any refrigeration equipment or foam system manufactured after the effective date, that does not comply with Table 1, section 95374(a) of this subarticle.

(b) *Exceptions.* The following exceptions apply to the list of prohibited substances or the effective dates for prohibited substances for foam end-uses identified in Table 1, of section 95374(a) of this subarticle:

(1) Foam End-Uses. The effective date for all foam end-uses identified in Table 1 of section 95374(a) of this subarticle is-are extended to January 1, 2022, for military end-uses and January 1, 2025, for space- and aeronautics-related end-uses where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements. For rigid polyurethane and polyisocyanurate laminated boardstock, polystyrene extruded sheet, and phenolic insulation board and bunstock, these same extensions include closed cell foam products and products containing closed cell foams manufactured with the applicable prohibited substances on or before these dates.

(c) *Disclosure and Recordkeeping for Refrigeration End-Use Categories.* The disclosure and recordkeeping requirements of this subarticle do not apply to any end-use category listed in Table 2 of section 95374(b) of this subarticle.

(1) *Disclosure Statement.* As of the effective date of this subarticle, any person who manufactures motor-bearing new refrigeration equipment for sale or entry into commerce in the State of California, must provide a written disclosure to the buyer as part of the sales transaction and invoice. The required written disclosure must state: "This equipment is prohibited from use in California with any refrigerants on the "List of Prohibited Substances" for that specific end-use, in accordance with California Code of Regulations, title 17, section 95374. This disclosure statement has been reviewed and

approved by [THE COMPANY] and [THE COMPANY] attests, under penalty of perjury, that these statements are true and accurate.”

(2) *Recordkeeping.* As of the effective date of this subarticle, any person who manufactures motor-bearing new refrigeration equipment for sale or entry into commerce in the State of California, must maintain for five years and make available, upon request by the California Air Resources Board’s Executive Officer, a copy of the following records:

(A) Name and address of the person purchasing the equipment at the time of purchase.

(B) Telephone number and email address of the person purchasing the equipment at the time of purchase, if provided to the manufacturer.

(C) Model and serial number of the equipment. When the affected equipment is part of an assembly without an individual serial number, the serial number of each component must be recorded. If a component or equipment does not have an individual serial number or the serial number is inaccessible after assembly the physical description must be recorded in enough detail for positive identification.

(D) Date of manufacture of the equipment.

(E) Date of sale of the equipment.

(F) The refrigerant type(s) the equipment is designed to use.

(G) The refrigerant and full charge capacity of the equipment, where available.

(H) A copy of the disclosure statement issued to the buyer or recipient of the new refrigeration equipment.

(d) Recordkeeping for Foam End-Use Categories. The recordkeeping requirements of this subarticle do not apply to any end-use category listed in Table 2 of section 95374(b) of this subarticle.

(1) *Recordkeeping.* As of the effective date of this subarticle, any person who manufactures a foam system in any end-use category listed in Table 1, of section 95374(a) of this subarticle for sale or entry into commerce in the State of California, must maintain for five years and make available, upon request by the California Air Resources Board’s Executive Officer, a copy of the following records:

(A) Name and address of the person purchasing the foam system at the time of purchase.

(B) Telephone number and email address of the person purchasing the foam system at the time of purchase, if provided to the manufacturer.

(C) The type of foam end-use category.

(D) Date of manufacture of the foam system.

(E) Date of sale of the foam system.

(F) The blowing agent used in the foam system.

NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39607, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.

§ 95376. Requirements Applicable to Table 2 of Section 95374(b).

(a) Prohibitions. No person may offer any equipment or product for sale, lease, rent, or otherwise cause any equipment or product manufactured after the effective date, to enter into commerce in the State of California if that equipment or product uses or will use a substitute in a manner inconsistent with any substitute in end-uses listed in Table 2 of section 95374(b) of this subarticle.

(b) Exceptions. The following exceptions apply to the list of prohibited substances or the effective dates for prohibited substances for end-uses identified in Table 2 of section 95374(b) of this subarticle:

(1) Foam End-Uses. Except where specified below, the effective date for foam end-uses identified in Table 2 of section 95374(b) of this subarticle are extended to January 1, 2022, for military applications and January 1, 2025, for space- and aeronautics-related applications, where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements, including closed cell foam products and products containing closed cell foams manufactured with the applicable prohibited substances on or before these dates.

(A) Polystyrene: Extruded Boardstock and Billet: The prohibited substances for polystyrene extruded boardstock and billet are acceptable for use in this specific end-use from January 1, 2021, until January 1, 2022, in military applications and until January 1, 2025, for space- and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not

technically feasible due to performance or safety requirements. Closed cell foam products and products containing closed cell foams manufactured with the prohibited substances for polystyrene extruded boardstock and billet on or before January 1, 2022, for military applications or on or before January 1, 2025, in space- and aeronautics-related applications, may be used after those dates.

(B) *Rigid Polyurethane: Spray Foam - High-Pressure Two-Component ("High-Pressure RP")*: The prohibited substances for High-Pressure RP are acceptable for use in High-Pressure RP from January 1, 2020, until January 1, 2025, only in military or space- and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements. Closed cell foam products and products containing closed cell foams manufactured with the prohibited substances for High-Pressure RP on or before January 1, 2025, may be used after that date.

(C) *Rigid Polyurethane: Spray Foam - Low-Pressure Two-Component ("Low-Pressure RP")*: The prohibited substances for Low-Pressure RP are acceptable for use in Low Pressure RP from January 1, 2021, until January 1, 2025, only in military or space- and aeronautics-related applications where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements. Low pressure two-component spray foam kits manufactured with the prohibited substances for Low-Pressure RP on or before January 1, 2025, for military or space- and aeronautics-related applications may be used after that date.

(2) *Chillers End-Uses*. New centrifugal chillers and new positive displacement chillers are allowed to use HFC-134a for military marine vessels and allowed to use R-404A and HFC-134a for human-rated spacecraft and related support equipment where reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.

(3) *Aerosols - Propellants End-Uses*. HFC-134a is allowed in the following aerosol propellant specific uses:

(A) Cleaning products for removal of grease, flux and other soils from electrical equipment or electronics;

- (B) Refrigerant flushes;
- (C) Products for sensitivity testing of smoke detectors;
- (D) Sprays containing corrosion preventive compounds used in the maintenance of aircraft, electrical equipment or electronics, or military equipment;
- (E) Duster sprays specifically for removal of dust from photographic negatives, semiconductor chips, and specimens under electron microscopes, and energized electrical equipment;
- (F) Adhesives and sealants in large canisters;
- (G) Lubricants and freeze sprays for electrical equipment or electronics;
- (H) Sprays for aircraft maintenance;
- (I) Pesticides for use near electrical wires or in aircraft, in total release insecticide foggers, or in certified organic use pesticides for which the U.S. EPA has specifically disallowed all other lower-global warming potential (GWP) propellants;
- (J) Mold release agents and mold cleaners;
- (K) Lubricants and cleaners for spinnerettes for synthetic fabrics;
- (L) Document preservation sprays;
- (M) Metered dose inhalers (MDIs) approved by the U.S. Food and Drug Administration (FDA) for medical purposes;
- (N) Wound care sprays;
- (O) Topical coolant sprays for pain relief; and
- (P) Products for removing bandage adhesives from skin.

NOTE: Authority cited: Section 39734, Health and Safety Code. Reference: Section 39734, Health and Safety Code.

§ 953776. Enforcement.

- (a) Failure to comply with any applicable requirement of this subarticle constitutes a separate violation of this subarticle, including but not limited to failure to retain or produce any records.
- (b) Submitting or producing inaccurate information or record(s) that are required to be submitted or retained by this subarticle constitutes a separate violation of this subarticle.
- (c) Falsifying any information or record required to be submitted or retained by this subarticle constitutes a separate violation of this subarticle.

(d) Excepting sections 95374(b) and 95376, violations of this subarticle are subject to penalties under the Health and Safety Code section 38580.

(e) Violations of sections 95374(b) and 95376 are subject to penalties set forth in Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of the Health and Safety Code.

(f)(e) Any violation of this subarticle may be enjoined pursuant to the Health and Safety Code section 41513.

NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.

§ 95378~~7~~. Severability.

Each part of this subarticle shall be deemed severable, and in the event that any provision of this subarticle is held to be invalid, the remainder of this subarticle shall continue in full force and effect.

NOTE: Authority cited: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730.5, 39734 and 41511, Health and Safety Code. Reference: Sections 38510, 38598, 38560, 38562, 38566, 38580, 39600, 39601, 39730, 39730.5, 39734 and 41511, Health and Safety Code.